

**CHARTER TOWNSHIP OF ELMWOOD  
SPECIAL BOARD MEETING  
SEPTEMBER 2, 2021  
IN THE TOWNSHIP HALL**

**Call to Order:**

Supervisor Shaw called the meeting to order at 6:00 p.m.

**Pledge of Allegiance:**

Supervisor Shaw led the Pledge of Allegiance.

**Roll Call:**

**Present:** Jeff Shaw, Connie Preston, Jim O'Rourke, Dave Darga, Chris Mikowski, and Deb Allen

**Excused:** None

Terry Lautner arrived at 6:02 p.m.

**Declaration of Conflict of Interest:**

Supervisor Shaw stated that he owns an owner- occupied short- term rental, a rental in the UP and a timeshare in Mexico and asked if there was a motion to recuse him. No motion was offered.

**Public Comment**

Todd Space, Mark Breederland, Tammy Space, David Colby, Sue Jones, Nancy Colby, Rod Jones, Karyl Moore, Kristina Sanok, Jack Kelly, Del Moore, and Michael McGill

**Agenda Approval**

MOTION BY TRUSTEE ALLEN, SECONDED BY TRUSTEE DARGA TO APPROVE THE AGENDA AS PRESENTED. The motion passed unanimously by a voice vote.

**NEW BUSINESS**

DISCUSSION/INTRODUCTION/SCHEDULE PUBLIC HEARING OF ORDINANCE 2021-3

Planning Consultant Sara Kopriva explained that the motel definition needed to be changed but it would have to go back to the Planning Commission because it was not part of the original discussion. In the meantime, the Board can change the short-term rental definition to clear up the issue by adding that STRs are not considered motels. The Board is required to have an additional public hearing on the zoning amendment because of the changes.

Attorney Peter Wendling explained the rights of the Township Board to enact changes to an ordinance regardless of the Planning Commission recommendation. This would include the definition of short-term rental. Mr. Wendling recommends it not be called commercial in the definition as it is allowed in all districts. He also explained the Reaumes case does set precedent on the Spring Lake Township Ordinance but was not a state mandate or ban on short-term rentals. He agreed with Ms. Kopriva that the motel definition needs to go back to the Planning Commission. After further Board discussion, Attorney Wendling recommended that properly, it would be better not to add commercial back in to the definition of STR but it was up to the Board. The majority of the Board felt the definition should be kept as is, leaving commercial out of the definition.

MOTION BY TREASURER MIKOWSKI, SECONDED BY TRUSTEE LAUTNER TO ACCEPT THE INTRODUCTION AND SCHEDULE A PUBLIC HEARING FOR ORDINANCE 2021-3. The motion passed 6-1 by a roll call vote with Trustee Darga voting no.

MOTION BY CLERK PRESTON, SECONDED BY TRUSTEE O'ROURKE TO PUBLISH FOR PUBLIC HEARING AND CONSIDERATION. The motion passed 6-1 by a voice vote with Trustee Darga voting no.

#### **DISCUSSION/INTRODUCTION/SCHEDULE PUBLIC HEARING OF ORDINANCE 2021-2**

Attorney Wendling highlighted the proposed changes under rules and regulations that requires the owners to give the rules and regulations to the occupants. The occupants can be held responsible for the rules as well as the owner. The Board agreed to add language regarding pet behavior to be subject to the Leelanau County Animal Control Ordinance similar to the Suttons Bay Township licensing ordinance. It was pointed out that there is no noise ordinance in the Township so that reference should be removed. The Board discussed how to verify deed restrictions before issuing a license. That will be looked at further with the license application.

**MOTION BY TRUSTEE LAUTNER, SECONDED BY TRUSTEE O'ROURKE TO ACCEPT THE INTRODUCTION OF ORDINANCE 2021-2 AND PUBLISH FOR THE PUBLIC HEARING AND CONSIDERATION.** The motion passed 6-1 by a roll call vote with Trustee Darga voting no.

#### **CONSIDERATION OF A FEE SCHEDULE FOR SHORT TERM RENTAL LICENSING**

Planning Consultant Sara Kopriva presented the proposed schedule of fees that would cover costs incurred by the Township for the administration of the Short-Term Rental Licensing Ordinance. After discussion, the proposed fees were set at \$600.00 for the initial license, \$300.00 for a renewal and \$100.00 to be placed on a waiting list. The fees will be brought back before the Board in the form of a resolution at a future Board meeting.

#### **PUBLIC COMMENT**

Todd Space, Karyl Moore, Sue Jones, Mark Breederland, and Fred Kilbourne

#### **Adjournment**

Supervisor Shaw adjourned the meeting at 8:07 p.m.